

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 4, 6, 7, 9, 10, and 12-69 are pending in this application, Claims 4 and 24 having been currently amended; and Claims 25-68 having previously been withdrawn. Support for amended Claims 4 and 24 can be found, for example, in the original claims, drawings, and specification as originally filed. No new matter has been added.

In the outstanding Office Action, Claim 4 was rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 3, 4, 6, 7, 9, 10, 12-17, and 19-24 were rejected under 35 U.S.C. § 102(e) as anticipated by Isshiki (U.S. Patent Publ. No. 2002/0118384); and Claims 18 and 69 were rejected under 35 U.S.C. § 103(a) as unpatentable over Isshiki in view of Kaneko et al. (U.S. Patent No. 5,752,040; hereinafter “Kaneko”).

In response to the rejection under 35 U.S.C. § 112, second paragraph, Applicant has amended Claim 4 to correct the informality noted in the outstanding Office Action. Accordingly, Applicant respectfully requests that the rejection of Claim 4 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In response to the rejection of Claims 1, 3, 4, 6, 7, 9, 10, 12-17 and 19-24 under 35 U.S.C. § 102(e) as anticipated by Isshiki, Applicant respectfully requests reconsideration of the rejection and traverses the rejection as discussed next.

Independent Claim 1 is directed to an image forming apparatus including, *inter alia*:

a hardware resource;

a program;

an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination;

a configuration unit configured to store identification information of the program and identification information of the examining unit, the examining unit being executed prior to execution of the program;

an activating unit configured to activate the examining unit prior to the execution of the program and, in response to the positive determination activate said program; and

a storage unit configured to store the result of the examination,

wherein said examining unit determines whether the result of the examination that said examining unit is to perform is stored in said storage unit, and uses, if the result of the examination that said examining unit is to perform is stored in said storage unit, the stored result of the examination.

Independent Claims 23 and 24 recite substantially similar features as Claim 1. Thus, the arguments presented below with respect to Claim 1 are also applicable to independent Claims 23 and 24.

Page 4 of the outstanding Office Action asserts that Isshiki describes Applicant's claimed "configuration unit." Specifically, page 4 of the outstanding Office Action asserts that paragraphs [0070]-[0072] describe "a configuration unit (operation system OS task, page 4, paragraphs [0070]-[0072]) configured to store identification information of the program and identification information of the examining unit (i.e., the task executes various initialization operations of a basic OS which will run on the CPU 1, and activates the basic OS program; see page 4, paragraph [0070], fig. 5), the examining unit being executed prior to execution of the program (i.e., the task causes the basic OS activated in step S507 to generate and activate application tasks; Page 4, paragraph [0072], fig. 5." Page 4 of the outstanding Office Action also asserts that the CPU 1/controller 10 shown in Figure 2 of Isshiki corresponds to Applicant's claimed "examining unit." Applicant respectfully disagrees.

Paragraphs [0070]-[0072] of Isshiki state:

In step S506, the task initializes various devices on the LBP main body 1000 and advances to step S507. In step S407, the

task executes various initialization operations of a basic OS which will run on the CPU 1, and activates the basic OS. Then, the task shifts to step S508.

In step S508, the task causes the basic OS activated in step S507 to generate and activate an HD spool initialization task (to be described later), and shifts to step S509.

In step S509, the task causes the basic OS activated in step S507 to generate and activate application tasks such as the above-described network monitoring task and print job file processing task which run on the LBP main bode 1000. After the processing shifts to the applications, the task advances to step S505 to end a series of processes.

Thus, Isshiki only describes that the basic OS can generate and activate an HD spool initialization task, but does not describe that the operation system OS task is configured to store identification information of a program identification information of the CPU 1/controller 10. Paragraphs [0070]-[0072] Isshiki do not appear to describe the storing of identification information at all. Hence, Isshiki fails to teach or suggest “a configuration unit configured to store identification information of the program and identification information of the examining unit, the examining unit being executed prior to execution of the program,” as recited in Applicant’s Claim 1.

Isshiki also fails to teach or suggest that “said examining unit determines whether the result of the examination that said examining unit is to perform is stored in said storage unit, and uses, if the result of the examination that said examining unit is to perform is stored in said storage unit, the stored result of the examination,” as recited in Applicant’s independent Claim 1. Page 5 of the outstanding Office Action asserts that paragraph [0137] of Isshiki describes the above features. Applicant respectfully disagrees.

Paragraph [0137] of Isshiki merely describes that the invention described in Isshiki can also be realized by software program codes that are stored on a storage medium. Isshiki does not describe that an examining unit determines whether the result of examination of a hardware resource by an examining unit is stored in a storage unit, and if the result of the

examination that the examining unit is to perform is stored in the storage unit, the stored result of the examination is used.

Thus, Applicant respectfully submits that independent Claims 1, 23, and 24 (and all claims depending thereon) patentably distinguish over Isshiki.

Accordingly, Applicant respectfully requests that the rejection of Claims 1, 3, 4, 6, 7, 9, 10, 12-17, and 19-24 under 35 U.S.C. § 102(e) as anticipated by Isshiki be withdrawn.

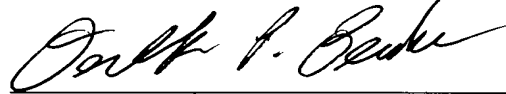
In response to the rejection of Claims 18 and 69 under 35 U.S.C. § 103(a) as unpatentable over Isshiki in view of Kanekou, Applicant notes that Claims 18 and 69 are dependent on independent Claim 1 and are thus believed to be patentable for at least the reasons discussed above. Further, Applicant respectfully submits that Kanekou fails to cure any of the above-noted deficiencies of Isshiki. Accordingly, Applicant respectfully requests that the rejection of Claims 18 and 69 under 35 U.S.C. § 103(a) as unpatentable over Isshiki in view of Kaneko be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Since Applicant has not substantively amended the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication *cannot properly be considered a Final Office Action*.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Derek P. Benke
Registration No. 56,944